

Sanford Jay Rosen, State Bar No. 62566
Maria V. Morris, State Bar No. 223903
Lori E. Rifkin, State Bar No. 244081
ROSEN, BIEN & GALVAN, LLP
315 Montgomery Street, Tenth Floor
San Francisco, CA 94104
Telephone: (415) 433-6830
Facsimile: (415) 433-7104
srosen@rbg-law.com

Attorneys for Plaintiffs

[Additional Counsel Listed on Following Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

CLAUDE BRYANT, CRAIG FULCHER,
SANFORD LEVINE and THOMAS
THOMPSON,
on behalf of themselves
and all employees similarly situated,

Plaintiffs,

- vs -

ALDERWOODS GROUP, INC., SERVICE
CORPORATION INTERNATIONAL, SCI
FUNERAL AND CEMETERY PURCHASING
COOPERATIVE, INC., SCI EASTERN
MARKET SUPPORT CENTER, L.P., SCI
WESTERN MARKET SUPPORT CENTER,
L.P. a/k/a SCI WESTERN MARKET
SUPPORT CENTER, INC., SCI HOUSTON
MARKET SUPPORT CENTER, L.P., JANE D.
JONES, GWEN PETTEWAY, THOMAS
RYAN, PAUL A. HOUSTON and CURTIS
BRIGGS,

Defendants.

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NORTHERN DISTRICT OF CALIFORNIA

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NOTICE OF PENDENCY
OF OTHER ACTIONS
Local Rule 3-13

1 Additional Attorneys for Plaintiffs, who will
2 submit applications for admission *pro hac vice*:

3 Patrick J. Solomon, NY Attorney No. 2716660
4 Annette Gifford, NY Attorney No. 4105870
5 DOLIN, THOMAS & SOLOMON LLP
6 693 East Avenue
7 Rochester, NY 14607
8 Telephone: (585) 272-0540
9 Facsimile: (585) 272-0574
10 psolomon@theemploymentattorneys.com

11 Charles H. Saul, PA State Bar No.19938
12 Liberty J. Weyandt, PA State Bar No. 87654
13 MARGOLIS EDELSTEIN
14 525 William Penn Place
15 Suite 3300
16 Pittsburgh, PA 15219
17 Telephone: (412) 281-4256
18 Facsimile: (412) 642-2380
19 csaul@margolisedelstein.com
20
21
22
23
24
25
26
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NOTICE OF PENDENCY OF OTHER ACTIONS

Pursuant to Local Rule 3-13, Plaintiffs hereby notify this Court of two actions currently pending in federal courts which involve a material part of the same subject matter as the instant action, in that all of these proceedings relate to the defendant's policies and practices regarding their employees' overtime pay.

The first action, *Prise v. Alderwoods Group, Inc. et al.*, 07-cv-1641 (W.D.P.A., filed December 8, 2006) ("Prise I"), is a collective action under the Fair Labor Standards Act brought by defendants' current and former employees. None of the plaintiffs in the instant action are parties to the *Prise I* litigation. In fact, by order of the *Prise I* court, the opt-in period in that case has passed for most of the plaintiffs in the instant action, and therefore most of the plaintiffs in this action are not eligible to participate in the *Prise I* action.

The second action, *Prise v. Alderwoods Group, Inc. et al.*, 07-cv-5140 (N.D. Cal., filed October 5, 2007) ("Prise II"), is a class action brought by current and former employees for violations of various states' wage and hour laws, as well as for violations of state common laws. The claims in *Prise II* were initially asserted in the *Prise I* action but, at the defendants' request, the *Prise I* court declined to exercise supplemental jurisdiction over these claims. *Prise II* was then filed in state court and was subsequently removed to federal court by the defendants. Neither of the federal law claims asserted in the instant action are at issue in *Prise II*, which involves only state law claims that have been removed to federal court. None of the plaintiffs in the instant action are currently named plaintiffs in *Prise II* although, in the event that a class is certified in *Prise II*, some of the plaintiffs in the instant action may also become class members in that action.

Transfer should not be effected pursuant to 28 U.S.C. § 1407 because the common questions of fact between the instant case and *Prise I*, the federal case in Pennsylvania, are not sufficiently complex to warrant transfer. Furthermore, the accompanying discovery is not so time consuming that transfer would serve the convenience of parties and witnesses or promote just and efficient conduct of the litigation. Additionally, defendants previously argued that the

1 state law claims raised in Prise II are inherently incomparable with the federal law claims
2 raised in Prise I and in the instant action.

3 Respectfully Submitted,

4 ROSEN, BIEN & GALVAN, LLP

5
6 Date: November 8, 2007

7 By: 

8 Sanford Jay Rosen, State Bar No. 62566
9 Maria V. Morris, State Bar No. 223903
10 Lori E. Rifkin, State Bar No. 244081
11 315 Montgomery Street, Tenth Floor
12 San Francisco, CA 94104
13 Telephone: (415) 433-6830

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24 Pittsburgh, PA 15219
25 Telephone: (412) 281-4256

26 Attorneys for Plaintiffs
27
28